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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,793	06/21/2000	Philippe Tarbouriech	6452/53554	6990
7590	12/18/2003			EXAMINER COLIN, CARL G
Clarence T. Tegreene Intellectual Property Counsel / Microvision, Inc. P.O. Box 3008 19910 North Creek-Parkway Bothell, WA 98011-3008			ART UNIT 2136	PAPER NUMBER
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/598,793	TARBOURIECH, PHILIPPE
	<b>Examiner</b>	<b>Art Unit</b>
	Carl Colin	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 June 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- Disposition of Claims**
- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 June 2000 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Pursuant to USC 131, claims 1-30 are presented for examination.

### *Claim Objections*

2. **Claim 1 and the intervening claims** are objected to because in step (d), “the” preceded the word values should be omitted to avoid rendering the claim indefinite. Appropriate correction is required.
- 2.1. **Claim 16** is objected to because of the following informalities: on line 28, the word “store” should be replaced with --stores--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

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international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.1 **Claims 1-4, 6-8** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,026,193 to **Rhoads**.

3.2 **As per claim 1, Rhoads** discloses a method for resolving the most probable digital fingerprint from a circuit (see figure 5), the circuit outputting a digital fingerprint comprising a series of bits, the method comprising the steps of (a) polling the circuit for a digital fingerprint (see column 7); (b) recording the digital fingerprint (see column 7); (c) repeating steps (a) and (b) a desired number of times (see column 7); and (d) calculating the most probable digital fingerprint from the values yielded in steps (a) - (c) (see column 7, see also columns 3-4).

**As per claim 2, Rhoads** discloses the limitation of (e) storing the most probable digital fingerprint (see column 5, lines 13-15).

**As per claim 3, Rhoads** discloses the limitation of (e) calculating the stability value of at least one bit in said digital fingerprint (see column 16, lines 13-51).

**As per claim 4, Rhoads** discloses the limitation of (f) storing the most probable digital fingerprint in association with the stability value calculated in step (e) (see column 16, lines 18-48; see also column 17, lines 25-37).

**As per claim 6, Rhoads** discloses the limitation of an apparatus providing a digital fingerprint comprising a digital fingerprint circuit, said digital fingerprint circuit outputting a digital fingerprint comprising a plurality of bits (see figures 5-6); a control circuit, said control circuit operably connected to the digital fingerprint circuit and programmed to iteratively read the digital fingerprint a predetermined number of times (see column 9); and wherein the control circuit calculates the most probable digital fingerprint based on the iterative reads of the digital fingerprint circuit (see column 9).

**As per claim 7, Rhoads** discloses the limitation of further comprising a memory operably connected to the control circuit wherein the control circuit stores the most probable digital fingerprint in the memory (see figure 6).

**As per claim 8, Rhoads** discloses the limitation of wherein the control circuit calculates a stability value for at least one bit of the digital fingerprint based on the iterative reads of the digital fingerprint circuit (see column 9 and column 16, lines 13-51).

4. **Claims 11-17 and 21-30** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,381,346 to **Eraslan**.

4.1 **As per claim 11, Eraslan discloses a method for resolving an identification, said method comprising the steps of (a) receiving a digital fingerprint (see claim 1); (b) dividing the digital fingerprint into at least two sections, the sections comprising a series of bits (see columns 13-14 and claim 1); (c) storing the sections in association with an index identification in a database (see columns 13-14 and claim 1); and (d) repeating steps (a) - (c) a desired number of times (see columns 13-14 and claim 1).**

**As per claim 12, Eraslan discloses the limitation of wherein said storing step (c) comprises the steps of storing each section in a separate table in association with the index identification (see figure 33 and see column 4, lines 18-32; column 12; column 13, lines 28-32); see also column 9, lines 18-20).**

**As per claims 13, 17, 27, and 30, Eraslan discloses the limitation of wherein separate database servers support each table (see figure 33).**

**As per claim 14, Eraslan discloses the limitation of (d) receiving a digital fingerprint (see claim 1); (e) dividing the digital fingerprint into at least two sections, said sections comprising a series of bits (see columns 13-14 and claim 1; see also column 12, lines 28-42); (f) scanning the database for sections stored in step (c) that match the sections of step (e) (see column 14, lines 3-13 and column 15, lines 34-48); (g) selecting the index identification**

associated with a statistically sufficient number of matching sections (see column 9, lines 7-12; column 14, lines 3-13 and column 15, lines 34-48).

**As per claims 15 and 28, Eraslan discloses a method for identifying a digital fingerprint from a database including a population of fingerprints, the method comprising the steps of (a) receiving a digital fingerprint (see claim 1); (b) scanning for sections of the fingerprints stored in the database that match corresponding sections of the fingerprint received in step (a) (see column 15, lines 34-48); (c) selecting the fingerprint stored in the database associated with a statistically sufficient number of matching sections (see column 14, lines 3-13; column 10, lines 27-35 and claim 17).**

**As per claims 16, 26, and 29, Eraslan discloses the limitation of wherein the database comprises at least two section tables each of which stores a separate section of the fingerprints in association with a corresponding index identification (see columns 13-14 and claim 1); and wherein the scanning step (b) comprises scanning the section tables with corresponding sections of the digital fingerprint received in step (a) (see column 15, lines 34-48).**

**As per claim 21, Eraslan discloses (e) receiving a digital fingerprint, the digital fingerprint comprising at least two sections, wherein the sections comprise a series of bits (see columns 13-14 and claim 1); (f) receiving section identifiers and corresponding stability values for each section of the digital fingerprint (see column 4, lines 59-67 and column 9, line 57 through column 10, line 21); (g) using the sections having the highest stability values, scanning**

the database to locate matching sections (see column 10, lines 22-35); and (h) selecting the index identification associated with a statistically sufficient number of matching sections (see column 4, lines 45-58 and column 9, line 57 through column 10, line 35).

**As per claim 22, Eraslan** discloses the limitation of (i) if no index identification corresponds to a statistically sufficient number of matching sections, scanning the database for all sections stored in step (c) that match the sections received in step (e) (see column 9, lines 7-17 and column 5, lines 5-10); and (j) selecting the index identification associated with a statistically sufficient number of matching sections (see column 4, lines 45-58 and column 9, line 57 through column 10, line 35).

**Claim 23** recites the same limitations found in claim 22 and claim 15. Therefore, **claim 23** is rejected based on the same rationale as the rejection of claim 22 and 15.

**As per claim 24, Eraslan** discloses the limitation of (e) receiving at least two section identifiers and corresponding sections of a digital fingerprint, said sections comprising a series of bits (see column 4, lines 59-67); (f) scanning the database to find sections stored in step (c) that match sections received in step (e) (see column 9, lines 35-56); and (g) selecting the index identification associated with a statistically sufficient number of matching sections (see column 4, lines 45-58 and column 9, line 57 through column 10, line 35).

**As per claim 25, Eraslan discloses a method for identifying a digital fingerprint from a database including a population of fingerprints, the method comprising the steps of (a) receiving at least two section identifiers and corresponding sections of a digital fingerprint, said sections comprising a series of bits (see column 4, lines 59-67); (b) scanning the database to find sections of the stored fingerprints corresponding to the section identifiers received in step (a) that match the sections received in step (a) (see column 9, lines 35-54); and (c) selecting the fingerprint associated with a statistically sufficient number of matching sections (see column 4, lines 45-58 and column 9, line 57 through column 10, line 35).**

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1 **Claims 5, 9, 10, and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,026,193 to Rhoads in view of US Patent 6,381,346 to Eraslan.

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5.2 As per claims 5 and 9, **Rhoads** substantially teaches the claimed method of claim 1.

**Rhoads** further teaches the step of calculating the step of calculating the stability value of each bit in said digital fingerprint (see column 16, lines 13-51; see also columns 21-22). **Rhoads** further discloses storing the stability value of the least stable bit in association with the most probable digital fingerprint (see column 16, lines 18-48; see also column 17, lines 25-37; see also column 23). **Rhoads** does not explicitly teach storing for each section, the stability value of the least stable bit in each section in association with a section identifier and the most probable digital fingerprint calculated in step (d). However, **Eraslan** in an analogous art teaches dividing codes in sections and storing the stability value of the least stable bit in each section in association with a section identifier and the most probable digital fingerprint (see column 13, lines 25 through column 14; see column 14, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Rhoads** to divide each section with stability value associated with section identifier and most probable fingerprint to provide a fast search engine as taught by **Eraslan**. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Eraslan** so as to provide a fast search engine for large collection of data (see column 3, lines 1-8).

As per claim 10, **Rhoads** discloses the limitation of further comprising means for transmitting the digital fingerprint and the stability values stored in the memory (see column 16, lines 40-60).

**As per claim 18, Rhoads** substantially teaches the claimed method of claim 1.

**Rhoads** further teaches the step of transmitting encoded signal as well known in the art and transmitting the most probable digital fingerprint (see column 16, lines 40-60). **Rhoads** does not explicitly teach using section identifiers to associate data. However, **Eraslan** in an analogous art teaches dividing codes in sections and storing the stability value of the least stable bit in each section in association with a section identifier and the most probable digital fingerprint (see column 13, lines 25 through column 14; see column 14, lines 44-47 and column 9, line 57 through column 10, line 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of **Rhoads** to transmit the stored data as mentioned in the limitation of claims 18 and 19. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Eraslan** so as to store data as a fast search engine and transmit them.

**As per claim 19, Eraslan** discloses the limitation of (g) transmitting at least two section identifiers and corresponding sections of the most probable digital fingerprint, the sections having the highest stability values calculated in step (e) (see column 4, lines 59-67 and column 9, line 57 through column 10, line 35).

**As per claim 20, Eraslan** discloses the limitation of wherein the number of sections transmitted in step (g) is statistically sufficient to find a matching digital fingerprint (see column 4, lines 45-58 and column 9, line 57 through column 10, line 35).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses the use of finger printing identification using index and database storage.

US Patents:	6,466,209	Bantum
	6,021,211	Setlak et al.
	6,161,213	Lofstrom

6.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on 703-305-9595. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*cc*  
Carl Colin

Patent Examiner

December 10, 2003

*Guy J. Lamare  
for*

Albert DeCady  
Primary Examiner